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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Charles Sheppard

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5993

7590

01/12/2005

Schlumberger Doll Research
Intellectual Property Law Department
36 Old Quarry Road
Ridgefield, CT 06877

EXAMINER

FAYYAZ, NASHMIYA SAQIB

ART UNIT

PAPER NUMBER

2856

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/049,749	Applicant(s) SHEPPARD ET AL.	
	Examiner Nashmiya S. Fayyaz	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I in the reply filed on 10/25/04 is acknowledged.
2. Claim 13 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/25/04.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 8-12, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell- U.S. Patent # 5,247,835. As to claims 1-3, 6, 8, 10-12, and 15-18, Howell discloses a system for making measurements including a probe N with sensor transducers ABC along with a housing Z comprising a memory "b" with plurality of separable data receptors i.e. "removable memory cards", see Fig. 1 and col. 4, lines 6-10 and claim 1 which describes coupling of the memory means to the transducers. It is noted that the Howell device is not recited for making measurements in a "wellbore". However, it is also noted that the preamble does not afford the effect of a distinguishing limitation since the body of the claim does not refer back to or breathe life or breadth

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into the claim. Further, Howell fails to indicate that the cards are released after data transfer. However, the cards are indicated as being "removable". Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have removed the memory cards *subsequent* to data collection since the object of the invention is data collection. As to claim 2, it is inherent that once the memory cards are removed that the electrical connection would be broken. As to claim 3, although a port is not described, it is inherent that since the cards are housed in an "enclosure" z, that a port of some sort must be employed to *remove* the removable cards from the enclosure. As to claim 8, usage of plastics or metal material appear to be known for memory cards. As to claim 9, the claim merely recites intended usage and fails to recite structure limitations. As to claims 10-11, the diameter size is not given by Howell but appears to be a matter of design choice. As to claim 12, encryption of data prior to storage appears to be known and would have been obvious to one of ordinary skill in the art at the time of the invention in the event that sensitive material is being stored. As to claims 15-16 and 18, the transducer is housed within the housing of probe N and the device is a pile driver that could be used test structures such as a wellbore for logging which would require a wireline. As to claim 17, note battery a.

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell as applied to claims 1-3, 8-12, and 15-18 above, and further in view of Gilpin et al- U.S. Patent # 5,554,822. As to claims 4-5, Howell does not give details of the memory card housing. However, in a related prior art device, Gilpin et al disclose a sealable, latchable door assembly for use with a portable electronic device that has a

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housing adapted to removably receive a memory card, see abstract. Inclusion of a sealable door as disclosed by Gilpin et al. would have been obvious to one of ordinary skill in the art at the time of the invention in order to protect the memory card from damage from the environment.

6. Claim 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howell as applied to claims 1-3, 8-12, and 15-18 above, and further in view of Jp-6671. As to claims 6 and 7, the shape of the casing for the memory card as a hemispherical is not provided by Howell. In a related prior art device, JP-6671 discloses a memory card which is sealed using a resin in a hemispherical or conical shape, see translation of Abstract. Inclusion of such an expediency would have been obvious to one of ordinary skill in the art at the time of the invention since it is disclosed as preventing cracks, see Abstract.

7. Applicant's arguments with respect to claims 1-6, 8, 10-12, and 15-18 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nashmiya S. Fayyaz whose telephone number is 571-272-2192. The examiner can normally be reached on Mondays and Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron E. Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



NFayyaz
Examiner
Art Unit 2856

nf
1/6/03



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800